

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JENNIFER LYNN GLIDDEN  
1434 25<sup>TH</sup> Street, Apt. 3  
Santa Monica, CA 90404

Registered Nurse License No. 694689

Respondent.

Case No. 2012-258

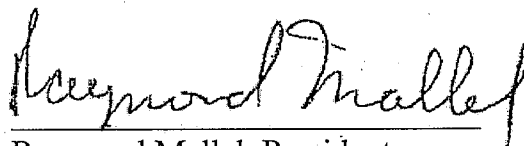
OAH No. 2011110956

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on October 17, 2012.

IT IS SO ORDERED this 17th day of September, 2012.



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

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In the Matter of the Accusation Against:

JENNIFER LYNN GLIDDEN,

Registered Nurse License 694689

Respondent.

Case No. 2012-258

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**PROPOSED DECISION**

This matter was heard by Samuel D. Reyes, Administrative Law Judge, Office of Administrative Hearings, in Los Angeles, California, on June 11, 2012.

Linda L. Sun, Deputy Attorney General, represented Louise R. Bailey, M.Ed., R.N. (Complainant).

Jennifer Lynn Glidden (Respondent) represented herself.

Complainant seeks to discipline Respondent's license on the basis of Respondent's conviction and the conduct underlying the conviction. Respondent did not dispute the truth of the factual allegations contained in the Accusation, but presented evidence of mitigation and rehabilitation in support of continued licensure.

Oral and documentary evidence was received at the hearing and the matter was submitted for decision.

**FACTUAL FINDINGS**

1. Complainant filed the Accusation in her official capacity as Executive Officer, Board of Registered Nursing (Board), Department of Consumer Affairs, State of California.
2. On December 27, 2006, the Board issued Registered Nurse License number 694689 to Respondent. The license, which has not been previously disciplined, expires on October 31, 2012, unless renewed.

3. On February 24, 2011, in the Superior Court, County of San Diego, Central Division, State of California, in case number M101680, Respondent was convicted, on her plea of guilty, of violating Vehicle Code sections 20002, subdivision (a) (hit and run), and (23152, subdivisions (a) (driving under the influence) and (b) (driving a vehicle with a blood alcohol level of .08 percent or higher), misdemeanors. The court suspended imposition of sentence and placed Respondent on summary probation for five years on terms and conditions that included payment of \$2,984 in fines and fees, payment of restitution in an amount to be determined, service of 32 hours of volunteer work, and completion of a three-month driving under the influence first offender program.

4. The facts and circumstances surrounding the conviction are as follows. On January 12, 2010, at approximately 6:30 p.m., Respondent, who had been drinking alcoholic beverages at home with a friend, drove to a Seven Eleven convenience store to purchase cigarettes, a distance of approximately two blocks. During the trip, she hit another vehicle, causing property damage, and failed to stop to provide her driver's license or insurance information to the other driver. Police officers subsequently found Respondent in her home and, after the driver of the other car identified her in a line-up, arrested Respondent. Respondent was rude and uncooperative to the officers during the investigation and arrest.

5. The conviction is substantially related to the duties, qualifications, and functions of a registered nurse. In the existing circumstances, the conviction is sufficient to show Respondent's poor judgment and reckless disregard for her health and safety and that of others.

6. Respondent expressed remorse for her conduct, which she characterized as a "bad decision." She denied having engaged in similar conduct before or since. Respondent enjoys wine with dinner, but denies abusing alcoholic beverages. Respondent is complying with the terms and conditions of probation. She successfully completed the three-month counseling program, on or about June 11, 2011. On September 11, 2011, she attended the MADD Victim Impact Panel. She completed her community service obligation on or about December 15, 2011.

7. Respondent has been working as a nurse for approximately nine years. She graduated from the Cochise College School of Nursing in Douglas, Arizona, and worked in Arizona and Washington, D.C., before obtaining her California license. She has worked primarily in intensive care and trauma units. She was working at Mercy Hospital in San Diego, California, at the time of her arrest. She has since moved and has been working at St. John's Medical Center in Santa Monica, California for the past year. She worked as a travelling nurse until her conviction precluded continued employment in such capacity. She disclosed the conviction to her supervisor, who then hired her as a staff nurse.

8. Respondent enjoys her work as a nurse and expects to complete a Bachelor of Science in Nursing on July 11, 2012.

9. Respondent submitted a letter from Stacy A. Young, R.N. (Young), a friend and coworker at Mercy Hospital. Young described Respondent as a loyal and trustworthy friend and as a strong, competent, and knowledgeable nurse.

10. a. The Board has incurred \$2,877.50 in the form of Attorney General charges in connection with its investigation and enforcement of this matter, which costs are reasonable.

b. Respondent's monthly income is approximately \$2,600, and she has monthly living expenses, including rent of \$1,800, which claim most of this income. She has established that installment payments are appropriate.

### LEGAL CONCLUSIONS

1. Grounds exist to suspend or revoke Respondent's license pursuant to Business and Professions Code sections 490, 2761, subdivisions (a) and (f), and 2762, subdivision (c), and California Code of Regulations, title 16, section 1444, in that she suffered a conviction for a crime substantially related to the qualifications, functions and duties of a registered nurse, by reason of factual finding numbers 3, 4, and 5.

2. Grounds exist to suspend or revoke Respondent's license pursuant to Business and Professions Code sections 2761, subdivision (a), and 2762, subdivision (b) in that she engaged in unprofessional conduct by using alcoholic beverages to an extent or in a manner dangerous or injurious to herself and to members of the public, by reason of factual finding numbers 3, 4, and 5.

3. All evidence submitted in mitigation and rehabilitation has been considered. In brief, although recent the unprofessional conduct is isolated. Respondent has no other discipline or conviction. She has completed a rehabilitation program and is complying with the terms of probation. The single incident that led to the conviction, despite its seriousness, is insufficient to establish, absent other history or evidence of substance abuse, that Respondent has a problem with alcoholic beverages or other substances or that conditions of probation are required to address such problem or prevent its manifestation at work. Respondent competently discharges her duties as a nurse and her supervisor has confidence in her abilities despite the conviction. In light of this evidence, and inasmuch as the purpose of licensing statutes and administrative proceedings enforcing licensing requirements is not penal but public protection (*Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 784-786; *Bryce v. Board of Medical Quality Assurance* (1986) 184 Cal.App.3d 1471, 1476), the order that follows is necessary and sufficient for the protection of the public.

## ORDER

Registered Nurse License 694689 issued to Respondent Jennifer Lynn Glidden is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions:

1. OBEY ALL LAWS - Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, Respondent shall submit completed fingerprint cards and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

2. COMPLY WITH PROBATION PROGRAM - Respondent shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of Respondent's compliance with the Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

3. REPORT IN PERSON - Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

4. RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE - Periods of residency or practice as a registered nurse outside of California will not apply to the reduction of this probationary term. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

5. SUBMIT WRITTEN REPORTS - Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the terms and conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which he has a registered nurse license.

6. FUNCTION AS A REGISTERED NURSE - Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board. For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of probation for up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

7. EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS - Respondent shall obtain prior approval from the Board before commencing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to her employer and immediate supervisor prior to commencement of any new nursing or other health care related employment.

In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment, when such employment is not as a registered nurse. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any registered nursing, other nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

8. SUPERVISION - Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.

(d) Home Health Care - Respondent is approved to work in the home health care setting, provided the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the respondent with or without Respondent present.

9. EMPLOYMENT LIMITATIONS - Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. COMPLETE A NURSING COURSE(S) - Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term. Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. COST RECOVERY - Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$2,877.50 on a payment schedule approved by the Board.

12. VIOLATION OF PROBATION - If Respondent violates the conditions of probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed revocation of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

13. LICENSE SURRENDER - During Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:



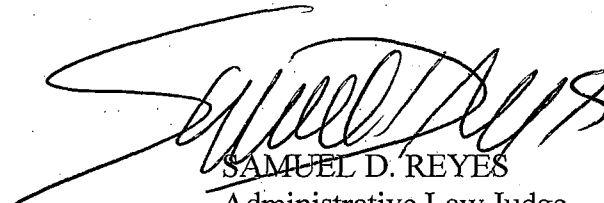
1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

2) One year for a license surrendered for a mental or physical illness.

COMPLETION OF PROBATION - Upon successful completion of probation, Respondent's license will be fully restored.

SEVERABILITY CLAUSE - Each term and condition of probation contained herein is a separate and distinct term and condition. If any term and condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each term and condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

DATED: 6/29/12

  
SAMUEL D. REYES  
Administrative Law Judge  
Office of Administrative Hearings

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 LINDA L. SUN  
Deputy Attorney General  
4 State Bar No. 207108  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-6375  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No.

2012 - 258

11 **JENNIFER LYNN GLIDDEN**  
12 **405 Idaho Avenue**  
13 **Santa Monica, CA 90403**

**A C C U S A T I O N**

14 **Registered Nursing License No. 694689**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing (Board),  
21 Department of Consumer Affairs.

22 2. On or about December 27, 2006, the Board issued Registered Nursing License No.  
23 694689 to Jennifer Lynn Glidden (Respondent). The Registered Nursing License was in full  
24 force and effect at all times relevant to the charges brought herein and will expire on October 31,  
25 2012, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

**STATUTORY PROVISIONS**

4. Section 2750 of Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 490 states:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

7. Section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

8. Section 2762 states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof."

#### **REGULATORY PROVISIONS**

9. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. . ."

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 12. Respondent is subject to disciplinary action under section 2761, subdivision (a), on  
4 the grounds of unprofessional conduct as defined in section 2762, subdivision (b), in that on or  
5 about January 12, 2010, Respondent used alcohol beverages to an extent or in a manner  
6 dangerous or injurious to herself, and the public. Complainant refers to, and by this reference  
7 incorporates, the allegations set forth above in paragraph 11 inclusive, as though set forth fully  
8 herein.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Convictions Involving the Consumption of Alcohol)**

11 13. Respondent is subject to disciplinary action under section 2761, subdivision (a), as  
12 defined in section 2762, subdivision (c), in that on or about February 24, 2011, Respondent was  
13 convicted of crimes involving the consumption of alcohol which resulted in property damage.  
14 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
15 paragraph 11 inclusive, as though set forth fully herein.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
18 and that following the hearing, the Board issue a decision:

19 1. Revoking or suspending Registered Nursing License No. 694689, issued to Jennifer  
20 Lynn Glidden;

21 2. Ordering Jennifer Lynn Glidden to pay the Board the reasonable costs of the  
22 investigation and enforcement of this case, pursuant to Business and Professions Code section  
23 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: October 25, 2011

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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